

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:14-CV-151-BR

AMERICAN DAIRY QUEEN)
CORPORATION,)
Plaintiff,)
)
v.)
)
YS&J ENTERPRISES, INC. and JOHN A.)
RIBET III,)
Defendants.)
)
)

ORDER

On 2 June 2014, the court held a show cause hearing on why defendants should not be held in civil contempt of the court's 2 April 2014 order. Plaintiff appeared through counsel at the hearing, and defendant John A. Ribet III also appeared at the hearing. This order memorializes the court's ruling in open court.

Plaintiff's motion for an order of civil contempt and sanctions against defendants is ALLOWED. The court finds defendants in civil contempt for failure to abide by its order preliminarily enjoining defendants from:

1. Using or displaying the DAIRY QUEEN® and ORANGE JULIUS® trademarks at Cross Creek Mall, 419 Cross Creek Mall, Fayetteville, North Carolina 28303;
2. Selling or distributing DAIRY QUEEN® and ORANGE JULIUS® products at Cross Creek Mall, 419 Cross Creek Mall, Fayetteville, North Carolina 28303; and
3. Operating their store at Cross Creek Mall, 419 Cross Creek Mall, Fayetteville, North Carolina 28303 as a DAIRY QUEEN® and/or ORANGE JULIUS® store,

since the issuance of the order on 2 April 2014.

As sanctions for contempt, the court orders that:

1. Defendants certify in writing their compliance with the preliminary injunction order by filing such certification within 10 days from 2 June 2014;
2. If defendants do not timely certify their compliance with the preliminary injunction order as set forth above, defendants shall pay a fine in the amount of \$500 per day until such time compliance is shown;
3. Defendants are ordered to disgorge their profits since 4 April 2014 in the amount of \$895.68 per month and until compliance with the preliminary injunction order is shown; and,
4. Defendants are ordered to pay plaintiff its attorneys' fees and costs incurred in connection with its efforts to enforce the preliminary injunction order in the amount of \$11,966.50, which the court finds is reasonable.

This 3 June 2014.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is written over a horizontal line.

W. Earl Britt
Senior U.S. District Judge